IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18761 of 2004

Between:

Sirla Joga Rao, S/o Late Ramayya,
Dealer of Fair Price Shop-III, Bathili Village, Bhamini Mandal,
Srikakulam District

..... PETITIONER

AND

1 The Joint Collector (Civil Supplies), Srikakulam
2 The Revenue Divisional Officer (Civil Supplies), Palakonda, Srikakulam

District
3 The Mandal Revenue Officer (Civil Supplies), Bhamini Mandal, Srikakulam

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction particularly a writ in the nature of Mandamus declaring the action of the 1st and 2nd respondents as arbitrary, illegal and violative of Articles 14,19(g), 21 and 300-A of the Constitution of India besides gross violation of Principles of Natural Justice and the provisions of the Essential Commodities Act and Set-aside the impugned Proceedings Rc.No.6/2003.B, dated 14-07-2004 of the 2nd respondent including the impugned order dated 31-08-2004 passed in SRA No.14/2004 rejecting the stay petition with all consequential and attendant benefits and pass such other relief or reliefs as this Hon'ble Court may deem fit, just and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.B.M.PATRO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is an authorised dealer of the Fair Price Shop-III of Battili village, Bhamini Mandal, Srikakulam District. The authorisation of the petitioner has been cancelled by the Revenue Divisional Officer by order dated 14.07.2004. Aggrieved by the same, the petitioner preferred an appeal before the first respondent. The first respondent having entertained the appeal by order dated 31.08.2004 rejected the request of the petitioner for grant of stay till the disposal of the appeal. The said order dated 31.08.2004 is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

Though the learned counsel for the petitioner raised various contentions assailing the order of cancellation, since the statutory appeal is pending, I am not inclined to express any opinion on merits. However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal filed by the petitioner pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

It is made clear that till the disposal of the appeal by the first respondent, the respondents shall not make any permanent appointment in respect of the Fair Price Shop in question.

Accordingly, the writ petition is disposed of. No costs.

13.10.2004

Note: Issue CC in two days

(b/o)

VGB

To

1 The Joint Collector (Civil Supplies), Srikakulam
2 The Revenue Divisional Officer (Civil Supplies), Palakonda, Srikakulam

District

3 The Mandal Revenue Officer (Civil Supplies), Bhamini Mandal, Srikakulam

District

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies